IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.5178 OF 2005

Between:

The Chief Executive Officer, Zilla Parishad,

Karimnagar, Karimnagar District.

..... PETITIONER

AND

Sri K.Venkatram Reddy, S/o.Buchi Reddy,

Aged 43 years, Village Development Officer,

Grade-II, Shankarpatnam, Karimnagar Dist,

and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.5178 OF 2005

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> "..... Honourable Court may be pleased to issue a writ**,** order or direction, more particularly one in the nature of WRIT OF CERTIORARI, calling for the records pertaining to the O.A.No.717 of 2001, on the file of the A.P.A.T., dated 2-11-2003 and the order in C.A.No.916/2004 in O.A.No.717/2001 dated 7-2-2005 and quash the same and to ....."

The first respondent herein filed O.A.No.717 of 2001, which stood allowed by an order dated 2nd December, 2003 of the A.P. Administrative Tribunal.

It appears that the 1st respondent herein filed C.A.No.916 of 2004 on 11.09.2004 with a prayer as follows:

> "RELIEF: It is therefore prayed that this Hon'ble Tribunal may be pleased to summon and punish the respondents herein for willful disobedience to the judgement of this Hon'ble Tribunal in O.A.No.717/2004 dt.2-12-2003 under Contempt of Court in the interest of justice and pass such other order or orders as this Hon'ble Tribunal may deem fit."

In substance, the prayer is that the respondents be punished for contempt as they did not implement the order dated 2nd December, 2003. The Tribunal on 07.02.2005 passed an order as follows:

> "In view of the above, a final opportunity is given to the Commissioner of Panchayat Raj as well as to the CEO ZP Karimnagar to fix the placement of the applicant accordingly below S.No.115 of the VDO Gr II seniority list and communicate the orders to the applicant as already ordered by this Tribunal. Failure to issue such orders will result in coercive action that will be initiated against the Commissioner as well as CEO ZP Karimnagar.
>
> Post after 2 weeks."

It is unfortunate that in a contempt application the Tribunal, instead of deciding whether the earlier order has been complied with or not, resorted to such a pious wish. Taking advantage of the observations made by the Tribunal in the contempt proceedings, the respondents in O.A. approached this Court by way of present writ petition with an innocuous prayer as already noticed. In substance, the challenge in the present writ petition

to the order of the Tribunal dated 07.02.2005 in C.A.No.916 of 2004. In our view, it is neither an order in the O.A. nor an order in the contempt application convicting the writ petitioner herein. In such case, the writ petition is substantially against an order dated 02.12.2003 in O.A.No.717 of 2001 and no explanation whatsoever is offered for the delay in approaching this Court. The petitioner just wants to take advantage of another observation (unfortunately) made by the Tribunal in a contempt petition.

In the circumstances, the writ petition is barred by laches and the same is accordingly dismissed at the admission stage itself.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

16th AUGUST, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

WRIT PETITION No.5178 OF 2005

(Per Sri Justice J.Chelameswar)

16TH AUGUST, 2005